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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,174	09/27/2001	Mikihiro Gau	14948	3942
23389 7590 01/13/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
CASLER, TRACI				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
01/13/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/965,174

Applicant(s)

GAU ET AL.

Examiner

Traci L. Casler

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD-05)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to papers filed on October 8, 2010.

Claim 11 has been cancelled.

Claims 9, 10 and 12 have been amended.

Claims 9, 10 and 12 are pending.

Claims 9, 10 and 12 have been rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0133387 Wilson et al; Systems and Methods for End-to-End Fulfillment and Supply Chain Management in view of Huang et al; US Pat. 6151582 Decision support system for the management of an agile supply chain. Hereinafter referred to as Wilson and Huang respectively.

3. As to claims 9-12 Wilson

4. teaches entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and customers geographic region, shipping terms(how to deliver the demand) (Pg. 5 ¶41) and cost based on type of deliver(PG. 8 ¶ 61).Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46). However, Wilson fails to teach the

populating(generating) using an outside interface system wherein the outside interface is one of product design information management, computer aided design, computer aided testing, computer aided manufacturing and automated machinery, Huang teaches using a requirements management system which teaches using raw requirements (product design information) to determine failure rates that can be a function the number of hours it has operated and it's maintenance schedule and the failure rates are used establish regression or time series models for future failures...etc) (C. 16 l. 38-70) It would have been obvious to one skilled in the art at the time of invention to combine Huang with Wilson as the instant invention is simply a combination of two known processes that when combined would have performed the same as they did separately therefore yielding predictable results with a reasonable expectation of success.

5. Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)

Wilson identifies the most efficient process for getting the user the needed items and processes the order according to the best process(Pg. 7 ¶ 51).

The customer's geographical location and shipping terms are used to determine if a warehouse can make a promise to complete the order when on-time(Pg. 6 ¶ 46; g. 5 ¶ 41)

Wilson teaches said business procedure being adaptable by changing said 5W1H-formate elemental information without changing definitions for each of a 5W1H -format category and relationship between (Pg. 7 ¶ 50-55 Wilson teaches **determining which warehouse is able to full-fill(1-H) the client request based**

on inventory, Wilson teaches that the elemental information of How(which warehouse) will fulfill an order based on various elemental information such as location from request of clients as well as inventory of the items requested from the various warehouses.(all elemental information) but does not change the definition of the 5W1H, the definition is always how the request will be filled(which warehouse) and who/where/when etc the client is requesting.

Response to Arguments

6. Applicant's arguments filed October 8, 2010 have been fully considered but they are not persuasive. Applicant argues that the raw requirements of Haung are 1. not product design information and 2. not an outside source. The examiner notes as applicant fails to define what is deemed as "product design information" this term is broad and when interpreted as such the examiner reads the terms to be any information pertaining to the design of the product. As such the raw requirements are described as failure rates and activity schedules of equipment meaning the design of this product has failure rates of XYZ(product design information). Secondly, Haung disclosed that raw requirements (in manufacturing analogy) C. 16 I. 27-29) are gather from Points of Sale(POS) data one skilled in the art would understand that POS in a are separate from the manufacturing facility and outside systems.
7. The applicant further argues that the rational fails to site factual findings. The factual findings are that the references themselves show the results of each process, therefore when performed the same in combination would produce the same result, thus

being predictable and that as the results are predictable and have been successfully implemented in the prior art the combination would lead one skilled in the art to reasonably expect success from those predicted results. Additionally, applicant has failed to properly argue how one skilled in the art would not have been motivated to make the combination. Applicant argues that the system of Haung fails to be a simply system. The examiner notes that the rejection does not state that the systems themselves are simple but rather you would simply be adding an aspect of Haungs system to that of Wilson's system.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 7:00 am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jami Plucinski can be reached on 571-272-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Traci L Casler/
Primary Examiner, Art Unit 3629